

United States Court of Appeals  
Fifth Circuit

**F I L E D**

**UNITED STATES COURT OF APPEALS** November 19, 2008

**FOR THE FIFTH CIRCUIT**

Charles R. Fulbruge III  
Clerk

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No. 07-20618

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D.C. Docket No. 4:07-CV-2074

United States Courts  
Southern District of Texas  
**FILED**

DEC 16 2008

MICHELE POCHE

*Michael N. Milby, Clerk*

Plaintiff - Appellee

v.

TEXAS AIR CORPS INC doing business as, CERT Emergency Services

Defendant - Appellant

Appeal from the United States District Court for the Southern District of Texas, Houston.

Before KING, WIENER, and ELROD, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is reversed, and the cause is remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that plaintiff-appellee pay to defendant-appellant the costs on appeal to be taxed by the Clerk of this Court.

ISSUED AS MANDATE: DEC 11 2008

A True Copy  
Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By:   
Deputy

New Orleans, Louisiana

DEC 11 2008